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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/662,387 | 09/16/2003 | Koichi Katsuya | 041465-5200 | 2174 |

55694 7590 02/27/2007
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WASHINGTON, DC 20005-1209

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| EXAMINER |
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SERROU, ABDELALI

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| ART UNIT | PAPER NUMBER |
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2626

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/27/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/662,387

Applicant(s)

KATSUYA, KOICHI

Examiner

Abdelali Serrou

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Figures 1-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2,4-6, 8-10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (U.S 7,069,208 filed on Jan. 24, 2001, and issued on Jun. 27, 2006).

As per claims 1, 5, and 9, Wang teaches an error detector configured to detect whether or not there occurs an error in a coded audio data composed of the digital audio data (col. 3, lines 50-55); and a decoder configured to decode the coded audio data (col. 3, lines 55-58), the decoding including application of a window function to the coded audio data and mutual addition of results coming from the application of the window function to different coded audio data (col. 6, lines 20-29), the coded audio data to be decoded being error-free coded audio data inputted immediately before the occurrence of the error when the error detector detects that there occurs the error in the coded data (col. 4, lines 27-31, wherein the original coded data is error-free).

As per claims 2, 6, and 10, Wang teaches wherein the error detector is configured to determine whether or not a descriptor included in the coded audio data is consistent with a descriptor to be used for a descriptor for specifications of a specific broadcasting service (inherently disclosed in the error detection process of col. 3, lines 49-58).

As per claims 4, 8, and 12, Wang teaches wherein the decoder is configured to decode the coded audio data providing a decoded result of zero when the error detector detects that there occurs the error in the coded data (col. 3, lines 62-63 wherein missing audio frames represent a result of zero).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Garudadri et al. (Garudadri, U.S 7,089,178 filed on Apr. 30, 2002 and issued on Aug. 8, 2006).

Wang teaches all the limitations of claims 1, 5, and 9, upon which claims 3, 7, and 11 depend.

Wang does not explicitly teach wherein the error detector is configured to determine whether or not there occurs an error in the coded audio data with the use of a data length descriptor included in the coded audio data.

Garudadri in the same field of endeavor teaches wherein the error detector is configured to determine whether or not there occurs an error in the coded audio data with the use of a data length descriptor included in the coded audio data (col. 18, lines 14-19, wherein the error detector divides the new CRC based on the frame length).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the length descriptor of Garudadri with the error concealment system of Wang, because Garudadri teaches that this would improve error concealment systems by pointing out the exact position of the error for correction (col. 18, lines 14-30).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimizu et al. (U.S 5,911,130) teach an audio signal compression and decompression utilizing amplitude, frequency, and time information. Arslan et al. (U.S 6,263,307) teach an acoustic noise suppression filter including attenuation filtering with a noise-free estimate based on a codebook of line spectral frequencies. Nishiguchi et al. (U.S 5,473,727) teach Voice encoding method and voice decoding method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 571-272-7638. The examiner can normally be reached on 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis I. Smits can be reached on 571-272-7628. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A. Serrou

2/19/2007


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